

APPEAL NO. 032282  
FILED OCTOBER 8, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 6, 2003. With respect to the issues before her, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury with a date of \_\_\_\_\_, and that he did not have disability because he did not sustain a compensable injury. In his appeal, the claimant argues that the hearing officer erred in determining that he did not sustain a compensable injury and that he did not have disability. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury with a date of \_\_\_\_\_. The claimant had the burden of proof on the injury issue and it presented a question of fact for the hearing officer to resolve. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

In this instance, the hearing officer simply was not persuaded that the claimant sustained his burden of proving the causal connection between his employment and his coagulopathy. In so doing, the hearing officer noted that "it is difficult to overlook the lack of contact with the alleged rat poison," which was the substance the claimant alleged caused his injury. Nothing in our review of the record demonstrates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust; therefore, no sound basis exists for us to reverse the injury determination on appeal. Pool, *supra*; Cain, *supra*.

The 1989 Act requires the existence of a compensable injury as a prerequisite to a finding of disability. Section 401.011(16). Because we have affirmed the hearing officer's determination that the claimant did not sustain a compensable injury, we likewise affirm the determination that the claimant did not have disability.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **EMCASCO INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DONNIE M. WIESE  
EMC INSURANCE COMPANIES  
2505 NORTH PLANO ROAD, SUITE 2000  
RICHARDSON, TEXAS 75082-4108.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Margaret L. Turner  
Appeals Judge

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Edward Vilano  
Appeals Judge